

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**HOUSTON BYRD, JR.,**

**Plaintiff,**

**v.**

**JUDGE W. SCOTT GWIN,**

**Defendant.**

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**Case No. 2:17-CV-981**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Jolson**

**ORDER**

This matter comes before the Court on the Magistrate Judge's November 16, 2017 **Report and Recommendation** (ECF No. 9), which recommended that Plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 6) be denied.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (ECF No. 9 at 3.) The parties have failed to file any objections, and the deadline for objections (November 30, 2017) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. The Motion for Leave to Proceed *in forma pauperis* is hereby **DENIED**.

**IT IS SO ORDERED.**

s/ Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: December 12, 2017**